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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER

EKPO, NNENNA NGOZI

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/529,995	Applicant(s) MAETZ ET AL.	
	Examiner NNENNA N. EKPO	Art Unit 2425	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 June 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) 15 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>06/16/2009</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Information Disclosure Statement

1. The reference listed in the Information Disclosure Statement filed on June 16, 2009 has been considered by the examiner (see attached PTO-1449 form).

Continued Examination Under 37 CFR 1.114

2. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 06/02/2009 has been entered.

Response to Arguments

3. Applicant's arguments filed 06/02/2009 have been fully considered but they are not persuasive.

4. Applicant's argues on pages 5+ of the 06/02/2009 Remarks that Park et al. (U.S. Patent No. 6,460,180) fails to teach "startup application", "the file of additional data" as recited in claim 1 and "said second application using said file of additional data" as now recited in claim 1.

In response to Applicant's argument, Examiner respectfully disagrees. Park et al. discloses a trigger which is functionally equivalent to Applicant's startup application because the trigger in col. 3, lines 43-48 is designed to be executed at a level of the

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receiver and this functional assembly contains web content (for example HTML or an XML web page).

Regarding the argument that Park et al. does not teach or suggest "file", Examiner respectfully disagrees. Park et al. discloses on the flow chart of fig 11 that a user can execute enhancement script/file. For example, a trigger is received at the receiver, if the rules stored in the receiver unit fails or does not exist, the display of the information on the screen is not affected, if on the other hand, the rules stored in the receiver unit does exist, enhancement involving displaying additional information from the web such as HTML or XML is displayed along with the television video.

Claim Rejections - 35 USC § 112

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-14 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Applicants are reminded that although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. Applicant is advised to incorporate the meaning of "startup application", "the file of additional data" into the claim limitation so that one of ordinary skill in the art would be able to understand the invention when the claims are read.

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 6, 7, 10-14 are rejected under 35 U.S.C. 102(b) as being anticipated by Park et al. (U.S. Patent No. 6,460,180).

Regarding **claim 1**, Park et al. discloses an interactive television process applicable to a system where at least one transmitting station (information resource) transmits programmes to receivers (receiver unit), the process comprising (see abstract):

a) reception in one of said receivers, of a startup application (the trigger) and of a first application (the television video) and triggering of said startup application causing execution of steps b) to d) (see col. 2, lines 11-15, col. 3, lines 59-61, col. 7, lines 62-65 and col. 8, lines 3-6);

b) testing for a presence in a memory of said receiver of at least one file of additional data (rules) (see col. 2, lines 17-19, col. 3, lines 62-64 and col. 5, lines 57-col. 6, line 5);

c) in the absence of said file of additional data in said memory, starting up of the first application (see col. 2, lines 20-23, col. 3, lines 67-col. 4, line 5 and col. 6, line 3-4);

d) if said file of additional data is present in said memory, starting up of an second application (the merged web content and television video), said second

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application using said file of additional data (see col. 2, lines 18-24, col. 3, lines 45-48, lines 64-67 and col. 4, lines 27-45, col. 8, lines 17-29, the URI is extracted from the trigger and accesses the internet via modem 915 to retrieve web content identified by the URI, merge the retrieved web content and television video together so that the merged content is displayed on a screen of a television).

Regarding **claim 6**, Park et al. discloses everything claimed as applied above (see *claim 1*). Interactive television process, wherein said file of additional data (rule) contains an additional application (script) (see col. 8, lines 30-52).

Regarding **claim 7**, Park et al. discloses everything claimed as applied above (see *claim 1*). Interactive television process, wherein during step a), said receiver also receives said second application (the merged web content and television video) (see col. 8, lines 17-29).

Regarding **claim 10**, Park et al. discloses everything claimed as applied above (see *claim 1*). Interactive television process, wherein said file of additional data (rules) contains data chosen from among at least a piece of software, video data (television video), pictures, sound and a combination of these types of data (see col. 8, lines 38-44).

Regarding **claim 11**, Park et al. discloses everything claimed as applied above (see *claim 1*). Interactive television receiver comprising means for testing for the presence in said memory of said receiver, of at least one file of additional data (rules) (see col. 2, lines 17-19, col. 3, lines 62-64 and col. 5, lines 57-col. 6, line 5), comprising:

means of reception of said startup application (the trigger) and of said first application (the television video) (see col. 2, lines 11-15, col. 3, lines 59-61, col. 7, lines 62-65 and col. 8, lines 3-6),

and means of starting up the first application in the absence of said file of additional data in said memory (see col. 2, lines 20-23, col. 3, lines 67-col. 4, line 5 and col. 6, line 3-4) and of starting up said second application (the merged web content and television video) if said file of additional data is present in said memory, said second application using said file of additional data (see col. 2, lines 18-24, col. 3, lines 45-48, lines 64-67 and col. 4, lines 27-45, col. 8, lines 17-29, the URI is extracted from the trigger and accesses the internet via modem 915 to retrieve web content identified by the URI, merge the retrieved web content and television video together so that the merged content is displayed on a screen of a television),

said receiver (receiver unit, 900) preferably being designed to implement an interactive television process in accordance with claim 1 (see fig 9).

Regarding **claim 12**, Park et al. discloses everything claimed as applied above (see *claim 11*). Digital television terminal, comprising an interactive television receiver (see col. 7, lines 38-47).

Regarding **claim 13**, Park et al. discloses everything claimed as applied above (see *claim 1*). Process for transmitting applications by a broadcasting station (information resource) to interactive television receivers (receiver unit) (see abstract), wherein said applications comprise said startup application (the trigger) and said first application (the television video) (see col. 2, lines 11-15, col. 3, lines 59-61, col. 7, lines 62-65 and col. 8, lines 3-6), said startup application being intended to cause said test for the presence in said memory of at least one of said receivers, of at least one file of additional data (rules) (see col. 2, lines 17-19, col. 3, lines 62-64 and col. 5, lines 57-col. 6, line 5), as well as to start up the first application in the absence of said file of additional data (see col. 2, lines 20-23, col. 3, lines 67-col. 4, line 5 and col. 6, line 3-4) and to start up said second application (the merged web content and television video) using said file of additional data if said file is present, said second application using said file of additional data (see col. 2, lines 18-24, col. 3, lines 45-48, lines 64-67 and col. 4, lines 27-45, col. 8, lines 17-29, the URI is extracted from the trigger and accesses the internet via modem 915 to retrieve web content identified by the URI, merge the retrieved web content and television video together so that the merged content is displayed on a screen of a television), said transmitting process preferably being intended to implement said interactive television process in accordance with claim 1.

Regarding **claim 14**, Park et al. discloses everything claimed as applied above (see *claim 13*). Station (information resource) for transmitting programmes to

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interactive television receivers (receiver unit) (see abstract), comprising means of production and of transmission of at least one message comprising said startup application (the trigger) and said first application (the television video) (see col. 2, lines 11-15, col. 3, lines 59-61, col. 7, lines 62-65 and col. 8, lines 3-6), said startup application being intended to cause said test for the presence in said memory of at least one of said receivers of at least one file of additional data (rules) (see col. 2, lines 17-19, col. 3, lines 62-64 and col. 5, lines 57-col. 6, line 5), as well as to start up the first application in the absence of said file of additional data (see col. 2, lines 20-23, col. 3, lines 67-col. 4, line 5 and col. 6, line 3-4) and to start up said second application (the merged web content and television video) using said additional file if said file is present, said second application using said file of additional data (see col. 2, lines 18-24, col. 3, lines 45-48, lines 64-67 and col. 4, lines 27-45, col. 8, lines 17-29, the URI is extracted from the trigger and accesses the internet via modem 915 to retrieve web content identified by the URI, merge the retrieved web content and television video together so that the merged content is displayed on a screen of a television), said transmitting station preferably being intended to implement the transmitting process according to claim 13.

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the

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invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 2-5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Park et al. (U.S. Patent No. 6,460,180) as applied to *claim 1* above, and further in view of Rodriguez et al. (U.S. Publication No. 2002/0059623).

Regarding **claim 2**, Park et al. discloses everything claimed as applied above (see *claim 1*). Park discloses Interactive television process, wherein, with said transmitting station comprises at least one link for bilateral communication with said receivers, said process comprises the following prior steps (see col. 7, lines 39-41) and file of additional data (rules) (see col. 7, lines 62-65 and col. 8, lines 3-6):

However, Park et al. fails to specifically disclose e) reception of a message proposing loading of enhanced service data into said receiver; f) acceptance or refusal by a user of said receiver, of the proposed loading; g) in case of refusal, exiting from the present process; h) in case of acceptance, automatic downloading of said enhanced service data which is usable subsequently by said startup application into said receiver, via said bilateral communication link; i) recording in said memory of said receiver, of said enhanced service data.

Rodriguez et al. discloses e) reception of a message proposing loading of enhanced services data into said receiver (see paragraph 0014, fig 6, paragraph 0093, lines 21-30);

f) acceptance or refusal by a user of said receiver, of the proposed loading (see paragraph 0093, lines 30-32);

g) in case of refusal, exiting from the present process (see paragraph 0094, lines 1-2);

h) in case of acceptance, automatic downloading of said enhanced services data which is usable subsequently by said startup application into said receiver, via said bilateral communication link (see paragraph 0094, lines 2-8);

i) recording in said memory of said receiver, of said enhanced services data (see paragraph 0094, lines 16-20).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify Park et al.'s invention with the above mentioned limitation as taught by Rodriguez et al. for the advantage of reducing downloading time.

Regarding **claim 3**, Park et al. and Rodriguez et al. discloses everything claimed as applied above (*see claim 2*). Park et al. discloses file of additional data (rules) (see col. 7, lines 62-65 and col. 8, lines 3-6). Rodriguez et al. discloses Interactive television process, comprising, before step f), the reception, by said receiver, of at least one cue regarding the contents, said cue preferably being chosen from among a size, a subsequent date of use, a date of expiry or of validity of the additional data, a date on which the additional data will be used, a broadcasting channel which will use the additional data, and a downloading address (downloaded) (see paragraph 0069, lines 1-4, Rodriguez et al. discloses downloading address).

Regarding **claim 4**, Park et al. and Rodriguez et al. discloses everything claimed as applied above (see *claim 2*). Park et al. discloses file of additional data (rules) (see col. 7, lines 62-65 and col. 8, lines 3-6). Rodriguez et al. discloses interactive television process, comprising, before step h), a step in the course of which the user indicates a choice of immediate downloading or of deferred downloading of said enhanced data (see paragraph 0110, lines 1-13, Rodriguez et al. discloses downloading enhanced data at a deferred time).

Regarding **claim 5**, Park et al. and Rodriguez et al. discloses everything claimed as applied above (see *claim 2*). Park et al. discloses the second application (the merged web content and television video) (see col. 2, lines 19-20, col. 3, lines 45-48, lines 64-67 and col. 4, lines 27-45).

Rodriguez et al. discloses interactive television process, wherein during step e), the reception of the proposal message is effected upon the reception of an application of the same type (see paragraph 0093, lines 21-27).

8. **Claims 8 and 9** are rejected under 35 U.S.C. 103(a) as being unpatentable over Park et al. (U.S. Patent No. 6,460,180) as applied to *claim 1* above, and further in view of Junqua et al. (U.S. Publication No. 2004/0236778).

Regarding **claim 8**, Park et al. discloses everything claimed as applied above (see *claim 1*). However, Park et al. fails to specifically disclose interactive television process, comprising a step of automatic erasing of the contents of said memory.

Junqua et al. discloses interactive television process, comprising a step of automatic erasing of the contents of said memory (see paragraph 0013, lines 10-14).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify Park et al.'s invention with the above mentioned limitation as taught by Junqua et al. for the advantage of having more space in the memory.

Regarding **claim 9**, Park et al. and Junqua et al. discloses everything claimed as applied above (see *claim 8*). Park et al. discloses file of additional data (rules) (see col. 7, lines 62-65 and col. 8, lines 3-6). Junqua et al. discloses interactive television process, wherein a date of erasure is associated with said data and in that the erasure step comprises a periodic operation of reading this date and an erasure operation when this date is reached (see paragraph 0013).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to NNENNA N. EKPO whose telephone number is (571)270-1663. The examiner can normally be reached on M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Brian T. Pendleton can be reached on 571-272-7527. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Nnenna N. Ekpo/
Patent Examiner
August 12, 2009.

/Brian T. Pendleton/
Supervisory Patent Examiner, Art Unit 2425